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7 SAN FRANCISCO POLICE DEPARTMENT

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA

12 Plaintiff,

13 v.

14 IVAN CERNA, et al,
15 GUILLERMO HERRERA,

16 Defendants.

Case No. CR08-0730 WHA

~~(PROPOSED)~~ PROTECTIVE ORDER
Joldic/Ng Investigative Files

17 Disclosure and discovery activity in this action are likely to involve production of
18 confidential, proprietary, or private information for which special protection from public disclosure
19 and from use for any purpose other than defending this litigation would be warranted. Accordingly,
20 the parties hereby stipulate to and petition the court to enter the following Stipulated Protective
21 Order.

22 1) The San Francisco Police Department asserts that general dissemination of certain
23 “Protected Material” may jeopardize the safety of certain individuals and/or violate third party rights
24 of privacy.

25 2) The term “Protected Material” applies to any and all materials that disclose or reasonably
26 suggest the identity or whereabouts of witnesses, victims or third parties, including social security
27 numbers, dates of birth, driver’s license numbers, and other such personal information.
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1 3) In order to address these potential safety concerns, dissemination and possession of the
2 Protected Material shall be limited to the following persons:

- 3 a) counsel for defendants in the above-captioned matter;
- 4 b) investigative, secretarial, clerical, paralegal and student personnel employed full-time
5 or part-time by counsel for the defendants;
- 6 c) independent expert witnesses, investigators, translators, or advisors retained by the
7 defendants in connection with this action; and
- 8 d) such other persons as hereafter may be authorized by the Court upon motion by a
9 defendant.

10 Counsel for each defendant shall provide a copy of this order to persons designated to obtain
11 Protected Material pursuant to paragraphs 2(b)-(d). Such designated persons shall be subject to the
12 terms of this Order. Counsel and such designated persons working with counsel shall be responsible
13 for ensuring that the Protected Material not be disseminated to and/or possessed by anyone not
14 authorized by this protective order to receive or possess the Protected Material. Written translations
15 of Protected Material shall be deemed Protected Material and shall be handled according to the
16 provisions of this order.

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18 4) Possession and use of the Protected Material by the persons listed in paragraphs 2(a)-(d) are
19 only for the purpose of preparing for and trying the criminal case of the defendants, and for no other
20 purpose.

21 5) Other than use during the trial of the defendants, the Protected Material shall not be
22 distributed, shown, or disseminated to anyone else, including counsel for the other defendants
23 charged in the underlying case captioned CR-08-0730 WHA and/or to any witness or potential
24 witness, nor shall the Protected Material be distributed, shown, or disseminated to anyone during the
25 course of any defense investigation. Beginning 21 days before trial, defendants may review Protected
26 Material in the presence of counsel or of any other person designated under paragraphs 2(b)-(d), but
27 Protected Material shall not be left in the custody of any defendant. Beginning 21 days before trial,
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1 review of Protected Material by defendants in the presence of counsel or other designated persons
2 may be conducted with the aid of an interpreter. Unless the interpreter is a designated person under
3 paragraph 2 of this protective order, the interpreter shall not retain possession of any Protected
4 Material outside the presence of counsel or other designated person. Prior to 21 days before trial,
5 defendants may not review Protected Material; however, the persons listed in paragraphs 2(a)-(d) may
6 discuss Protected Witnesses with defendants provided that the persons listed in paragraphs 2(a)-(d) do
7 not disclose that the Protected Witnesses are or may be government witnesses at trial. Nevertheless,
8 during these discussions, the persons designated under paragraphs 2(a)-(d) shall not disclose personal
9 identification information of Protected Witnesses—such as address, telephone number, date of birth,
10 and social security number—other than the Protected Witness's name to the defendant.

12 6) At the end of the trial of any defendant, counsel for such defendant shall return all the
13 Protected Material, and any and all copies of the Protected Material, to the S.F.P.D., which will
14 preserve the materials in case there is need for them in any future litigation.

15 IT IS SO STIPULATED, BY COUNSEL OF RECORD.

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18 DATED: February 11, 2011


_____/s/_____
MARTIN A. SABELLI, Esq.,
Attorney for Defendant Guillermo Herrera

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21 DATED: February 11, 2011

_____/s/_____
RONNIE M. WAGNER, Esq.
Attorney for SFPD

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25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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27 DATED: February 11, 2011.



HONORABLE WILLIAM H. ALSUP,
UNITED STATES DISTRICT JUDGE